



**US Army Corps
of Engineers®**
New England District

PUBLIC NOTICE

696 Virginia Road
Concord, MA 01742-2751

Date: July 14, 2009
Comment Period Ends: August 14, 2009
File Number: NAE-2008-1547
In Reply Refer To: Ms. Diane M. Ray
Or by e-mail: diane.m.ray@usace.army.mil

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below.

APPLICANT: Brewer's Yacht Yard at Mystic, 56 Roseleah Drive, Stonington, Connecticut

ACTIVITY: Perform new dredging at an existing marina facility as well as install and maintain new floats. A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in the Mystic River off property located at 56 Roseleah Drive, Stonington, Connecticut. The proposed is located on the USGS MYSTIC quadrangle sheet is at Lat. 41.20.56N, Long. 71.57.57W.

AUTHORITY

Permits are required pursuant to:

- ☒ Section 10 of the Rivers and Harbors Act of 1899
☒ Section 404 of the Clean Water Act

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

The dredging portion of this project will impact approximately 55,000 square feet of Essential Fish Habitat (EFH) for the 10 species listed on the attached table and their life stages, of which approximately 22,400 s.f. will be impacted by the proposed structures. This habitat consists of sandy silt. Loss of this habitat may adversely affect the species listed on the attached table. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

The dredged material disposal is proposed for the New London Disposal Site. This is an open water site, which provides Essential Fish Habitat for the species and their life stages listed on the attached table. Habitat at the disposal site can be described as silty sand and silty clays reflective of prior disposal activities at the site. The temporary degradation of this habitat may adversely affect the EFH for some or all of the species and life stages listed in the attached table through burial and temporary alteration of the sediment characteristics within the disposal site. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

ENDANGERED SPECIES COORDINATION

The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the proposed project site during the construction and subsequent operation/use period sought by the applicant. It is our determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect any federally listed endangered or threatened species or their designated critical habitat. Any permit issued will include a time of year restriction prohibiting dredging and disposal from February 1 through October 1 of any year. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.

SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

CENAE-R
FILE NO. NAE-2008-1547

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, License or Assent from State.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

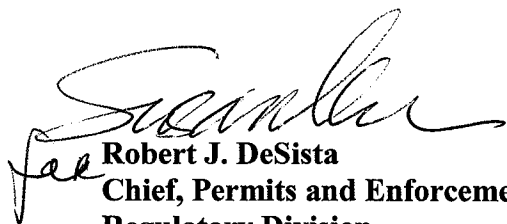
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Ms. Diane M. Ray at 978-318-8831 (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.


Robert J. DeSista
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____

PROPOSED WORK AND PURPOSE

The applicant is proposing to perform the following work at an existing yacht yard as described as follows:

1. Perform new dredging within an approximately 55,000 square foot area to -8' mean low water. A total of approximately 14,000 cubic yards of material will be dredged mechanically and disposed of at the New London Disposal Site, as shown on the attached plan.
2. Install and maintain approximately 386 linear feet of 8' wide main float and eleven (11) 4' x 34' finger floats with associated ramp and piles within the above dredged basin. The slip capacity of the marina will increase to 220.

The work is described on the enclosed plans entitled "Dock Expansion and New Dredging, Mystic, Town of Stonington, New London County, Connecticut, Mystic River" in 5 sheets, dated, "February 28, 2008" and "New London Disposal Site" on one sheet.

Dredged Material Disposal Mitigation Discussion:

Avoidance: The alternatives considered in the dredged material disposal analysis fall into four general categories: beneficial use, upland disposal, confined disposal, and open-water disposal. The feasibility of disposal alternatives was analyzed relative to the physical and chemical quality of the dredged material, the volume of material to be dredged, the availability of suitable disposal and beneficial use sites, and the cost of disposal.

Based on the characteristics of the dredged material, the lack of suitable alternate disposal or beneficial use sites and costs, the most feasible, practical, cost-effective and environmentally acceptable alternative for the disposal of dredged materials from the proposed dredging is disposal at the requested disposal site.

Minimization: The amount of material to be dredged is computed based on soundings within the area to be dredged and depths required for navigation in this area. Also, the disposal site for the material to be dredged has been determined, based on physical, chemical, and biological analysis, to be appropriate for disposal activities. The disposal site also undergoes periodic DAMOS monitoring to ensure impacts are minimal.

The dredged material has undergone physical, chemical, and/or biological analysis. It is our preliminary determination that the material is acceptable for disposal at this disposal site.

Any permit issued for this project will include special conditions requiring scows to come to a complete stop when disposing of the material at the disposal site. There will also be a time of year restriction included as a special condition which prohibits dredging during ecologically sensitive times of years.

New London Disposal Site

The New London Disposal Site is used periodically for disposal of bottom sediments dredged principally from the New London, Mystic, and Groton areas. The quantity of sediments deposited at the site varies considerably each year and peaks when the Federal Channel and Navy-maintained reaches of the Thames River are dredged. Overall, the site receives approximately 200,000 cubic yards of suitable sediments annually (suitability determined through case-by-case analyses). The site has been monitored through the Corps' Disposal Area Monitoring System (DAMOS) program. DAMOS studies show that the site is a low energy environment such that sediment deposited at this location will remain within the site's boundaries. Levels of metals and organics in the sediments within the disposal site are generally above background levels, indicative of the industrial nature of the areas dredged that utilize the site. Areas outside the disposal site have not been found to be affected by sediment deposited within the site.

Summary of Essential Fish Habitat (EFH) Designation for dredge site/structures

10' x 10' Square Coordinates:

Boundary	North	East	South	West
Coordinate	41° 20.0' N	71° 50.0' W	41° 10.0' N	72° 00.0' W

Square Description (i.e. habitat, landmarks, coastline markers): The waters within the square within the Connecticut River estuary affecting the following: from just east of Watch Hill R. I., to Noank CT., including waters affecting Little Narragansett Bay, Fishers Island Sound, the eastern 2/3 of Fishers I., the southern half of Mason I., Pawcatuck Point in R. I., Ram I., Napatree Point, and the tip of Wamphassuck Point. These waters also affect the following: the southern part of Stonington, CT., Wicopeset PT., East Pt. on Fishers I., East Harbor, eastern West Harbor, south of Mystic and West Mystic, CT., along with the Mystic River and Pawcatuck River Inlets. Also affected are: Cerberus Shoal, Watch Hill Rock, Catumb Rock, Dodges I., Libby I.

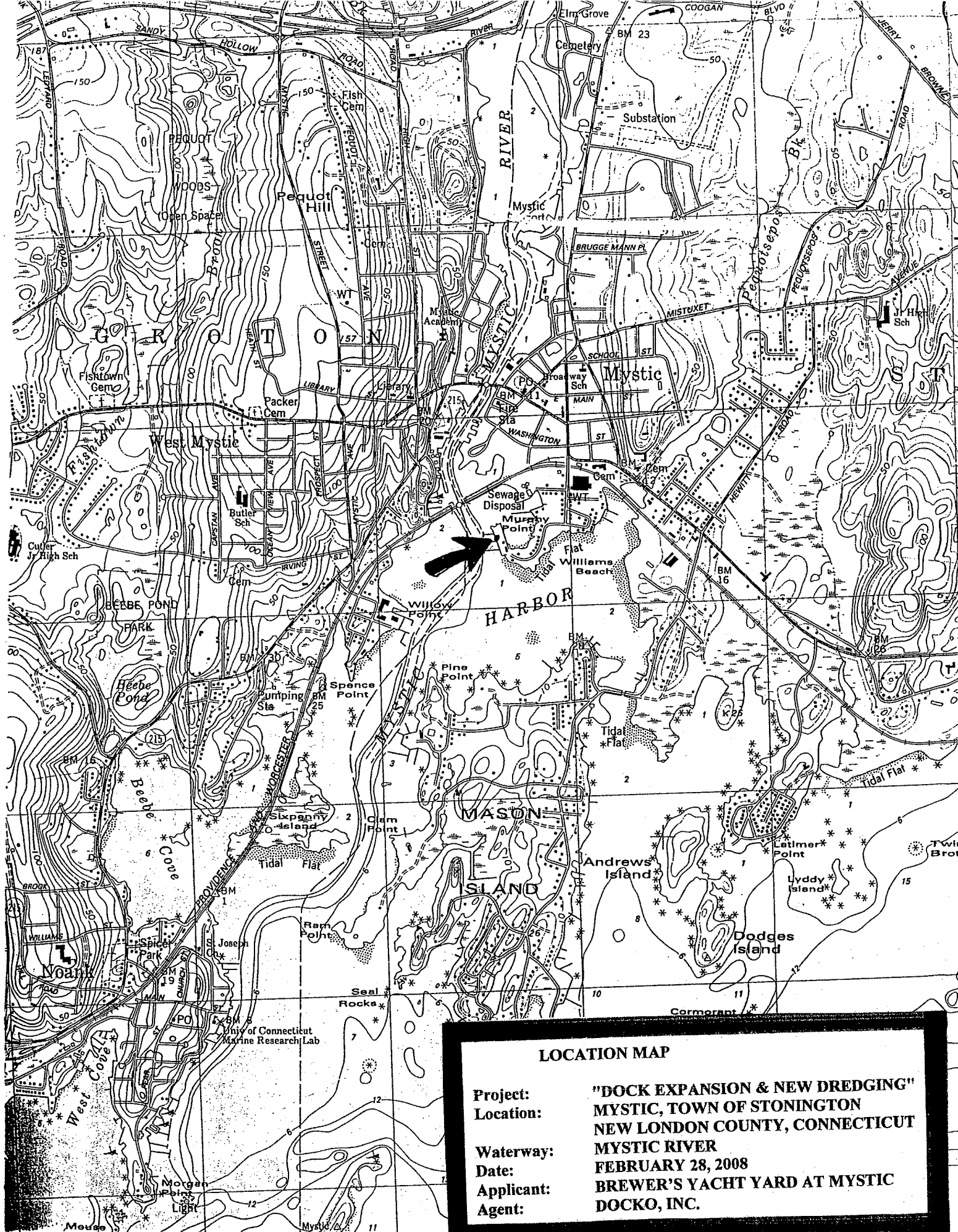
Species	Eggs	Larvae	Juveniles	Adults
Atlantic cod (<i>Gadus morhua</i>)				X
Atlantic sea herring (<i>Clupea harengus</i>)				X
bluefish (<i>Pomatomus saltatrix</i>)			X	X
king mackerel (<i>Scomberomorus cavalla</i>)	X	X	X	X
Spanish mackerel (<i>Scomberomorus maculatus</i>)	X	X	X	X
cobia (<i>Rachycentron canadum</i>)	X	X	X	X
sand tiger shark (<i>Odontaspis taurus</i>)		X		
blue shark (<i>Prionace glauca</i>)		X		X
dusky shark (<i>Charcharinus obscurus</i>)			X	
bluefin tuna (<i>Thunnus thynnus</i>)				X

Summary of EFH Designation for the 10' x 10' Square Quadrant Inclusive the New London Disposal Site

Boundary	North	East	South	West
Coordinate	41° 20.0' N	72° 00.0' W	41° 10.0' N	72° 10.0' W

Square Description (i.e. habitat, landmarks, coastline markers): The waters within the square within the Connecticut River estuary affecting the following: the northeast tip of Plum I., Great Gull I., Little Gull I., the western third of Fishers I., Flat Hammock, South Dumpling, and North Dumpling. These waters also affect the following south of Groton, CT., from Groton Long Point to Millstone Point just east of Niantic Bay, including south of the entrance to New Long Harbor, and south of the following: Mumford Point, Poquonock Point, Avery East Point, Eastern Point, and Goshen Point. In addition, these waters affect the following: western Fishers Island Sound, North Hill and Hay Harbors, New London Harbor, western West Harbor, Silver Eel Cove, Mumford Cove, and the entrance to the Thames River. Finally, the following features are affected: Constellation Rock, Old Silas Rock, Valiant Rock, Little Goshen Reef, Twotree I., Twotree I. Channel, Bartlett Reef, Goshen Ledge, Rapid Rock, Flat Rock, High Rock, Cormorant Rock, Sarah Ledge, Black Ledge, Vixen Ledge, New London Ledge, Black Ledge, Pine I., Pine I. Channel, Frank Ledge, Black Rock, Jordan Cove, and Pleasure Beach, along with a dumping ground just south of New London Harbor.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic salmon (<i>Salmo salar</i>)			X	X
red hake (<i>Urophycis chuss</i>)				X
Atlantic sea herring (<i>Clupea harengus</i>)				X
monkfish (<i>Lophius americanus</i>)				
bluefish (<i>Pomatomus saltatrix</i>)			X	X
king mackerel (<i>Scomberomorus cavalla</i>)	X	X	X	X
Spanish mackerel (<i>Scomberomorus maculatus</i>)	X	X	X	X
cobia (<i>Rachycentron canadum</i>)	X	X	X	X
sand tiger shark (<i>Odontaspis taurus</i>)		X		
dusky shark (<i>Charcharinus obscurus</i>)			X	
bluefin tuna (<i>Thunnus thynnus</i>)				X

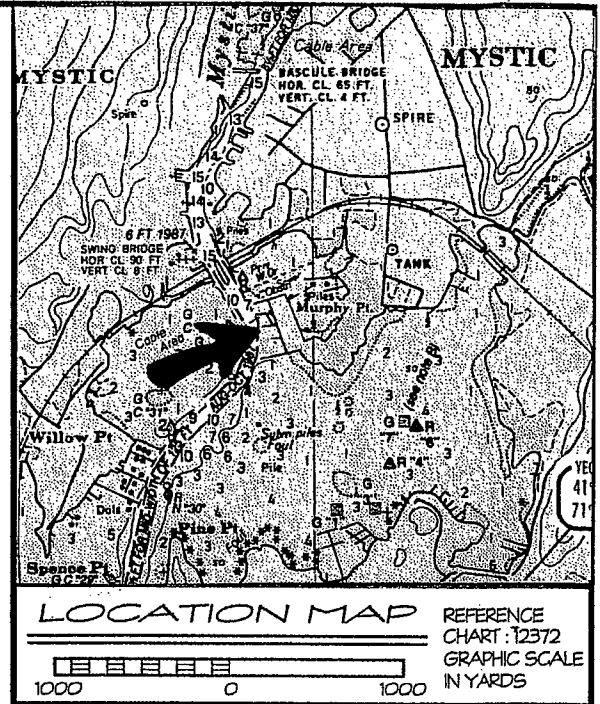
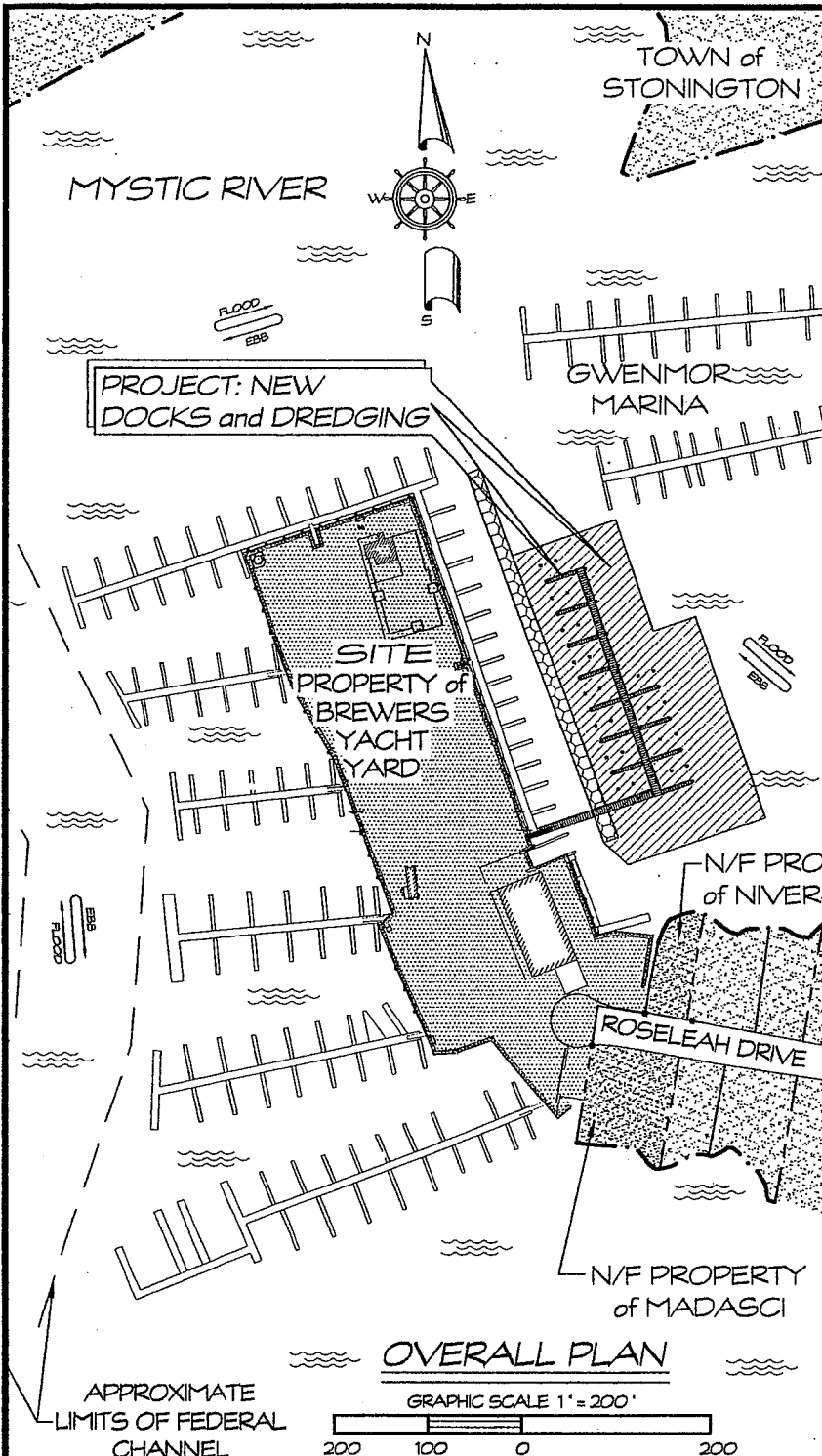


LOCATION MAP

Project:
Location:

Waterway:
Date:
Applicant:
Agent:

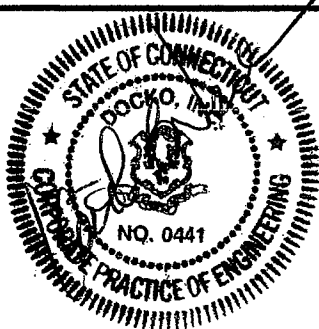
"DOCK EXPANSION & NEW DREDGING"
MYSTIC, TOWN OF STONINGTON
NEW LONDON COUNTY, CONNECTICUT
MYSTIC RIVER
FEBRUARY 28, 2008
BREWER'S YACHT YARD AT MYSTIC
DOCKO, INC.



NOTES:

1. ELEVATION DATUM IS MEAN LOW WATER.
2. TIDE DATA IS TAKEN FROM 2006 NOAA TIDE TABLES REFERENCE : NOANK, MYSTIC RIVER
3. PROJECT DESCRIPTION:
INSTALL 386±LF OF 8-FT WIDE MAIN FLOAT AND ELEVEN 4' X 34' FINGER FLOATS WITH ASSOCIATED RAMP, RESTRAINT PILES AND TIE-OFF PILES. DREDGE TO -8-FT 14,000±CY OF SILTY SAND OVER 55,000±SF INCLUDING 1-FT OVER DREDGE ALLOWANCE OF 3,000±CY BY CLAMSHELL BUCKET FOR OPEN WATER DISPOSAL, ALL WATERWARD OF THE HIGH TIDE LINE.
4. PROJECT PURPOSE:
THIS IS A COMMERCIAL MARINA FOR RECREATIONAL BOATING.
5. THESE APPLICATION DRAWINGS REPRESENT A COMPILATION OF SURVEYS FOR PERMIT PURPOSES. THEY ARE NOT CONSTRUCTION CONTRACT DOCUMENTS.

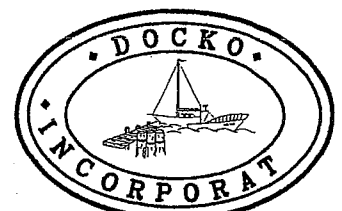
6. ADJOINING PROPERTY OWNERS:
 SOUTHWEST: DAVID MADASCI
 53 ROSELEAH DRIVE
 MYSTIC, CT 06355
 SOUTHEAST: RITA NIVER-VIENS
 50 ROSELEAH DRIVE
 MYSTIC, CT 06355



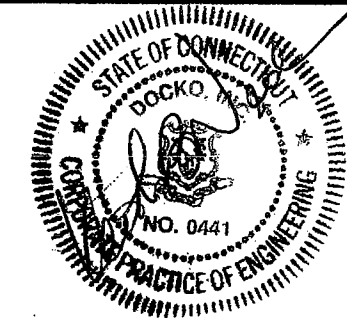
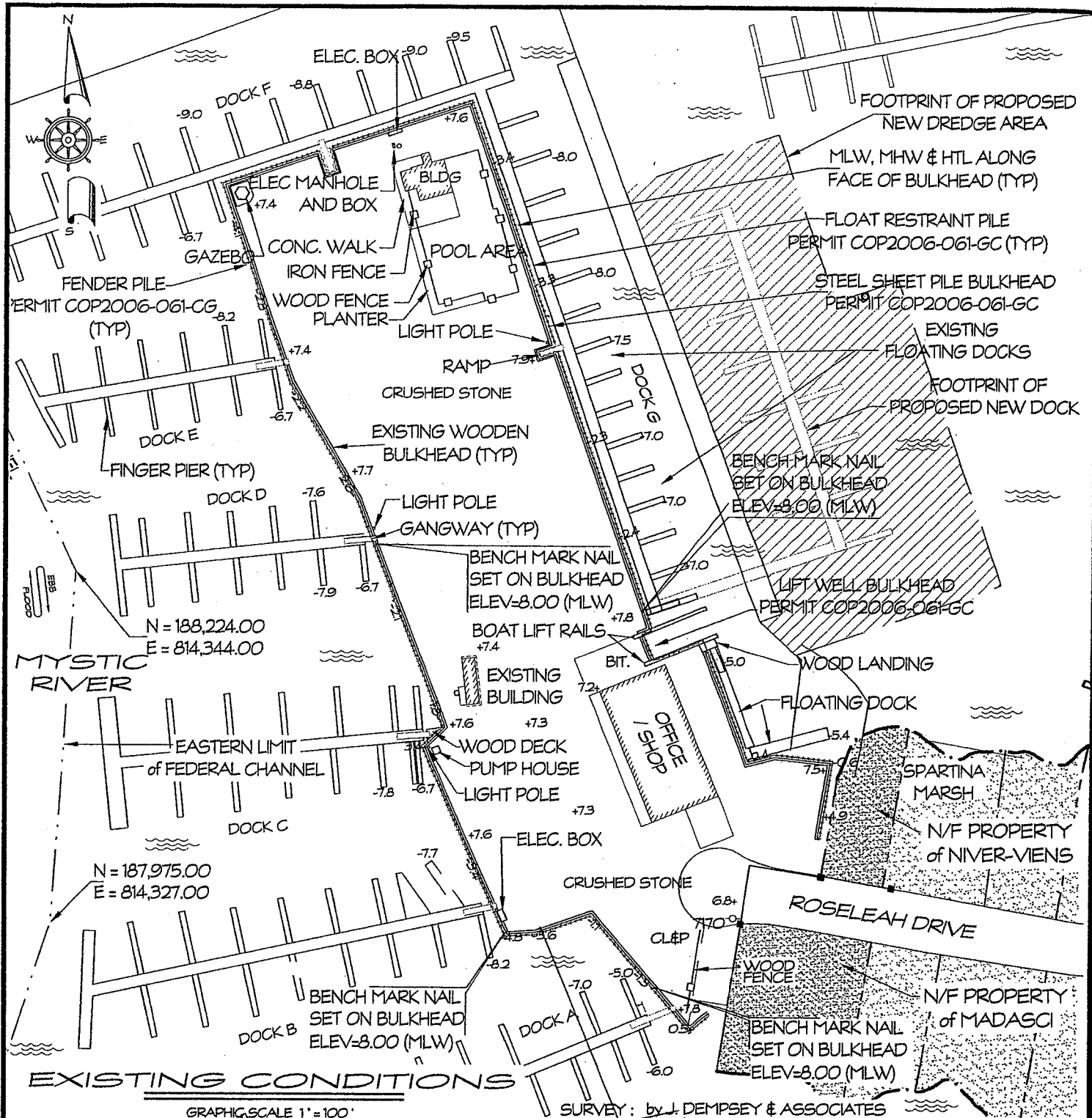
PROJECT: DOCK EXPANSION and NEW DREDGING

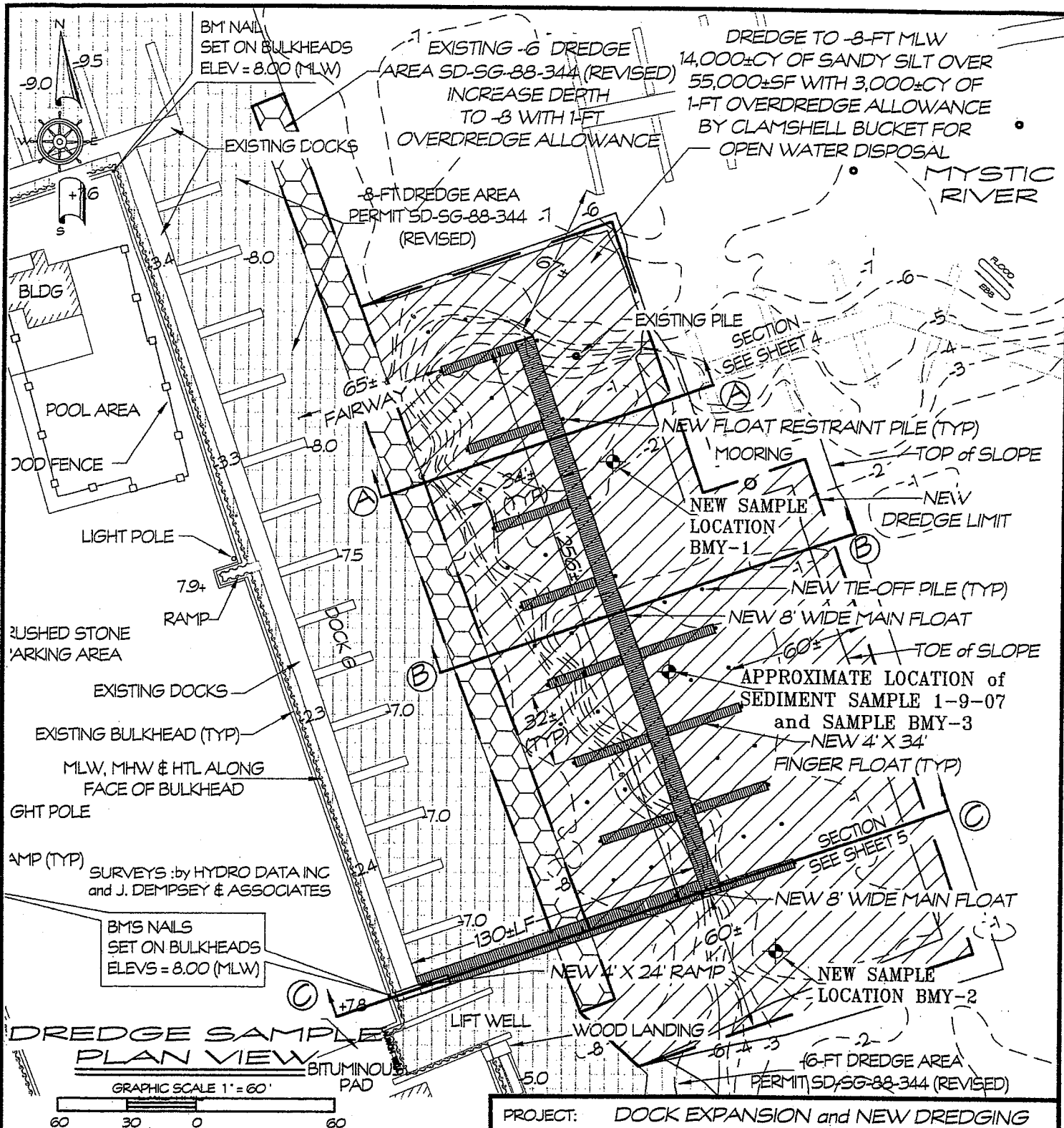
LOCATION: MYSTIC, TOWN OF STONINGTON
 NEW LONDON COUNTY, CONNECTICUT
 WATERWAY: MYSTIC RIVER
 DATE: FEBRUARY 28, 2008
 APPLICANT: BREWERS YACHT YARD
 MYSTIC

AGENT: SHEET 1 OF 5
DOCKO, INC.
 Keith B. Nelson, PE
 Mystic, CT 06355
 860 572-8939



03-01-1390





PROJECT: DOCK EXPANSION and NEW DREDGING

LOCATION: MYSTIC, TOWN OF STONINGTON

MYSTIC, CONNECTICUT

WATERWAY: MYSTIC RIVER

DATE: FEBRUARY 28, 2008

APPLICANT: BREWERS YACHT YARD

AGENT: SHEET 3 OF 5

DOCKO, INC.

Keith B. Nelson, PE

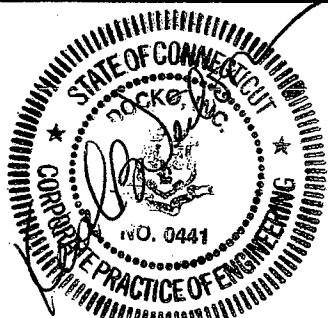
Mystic, CT 06355

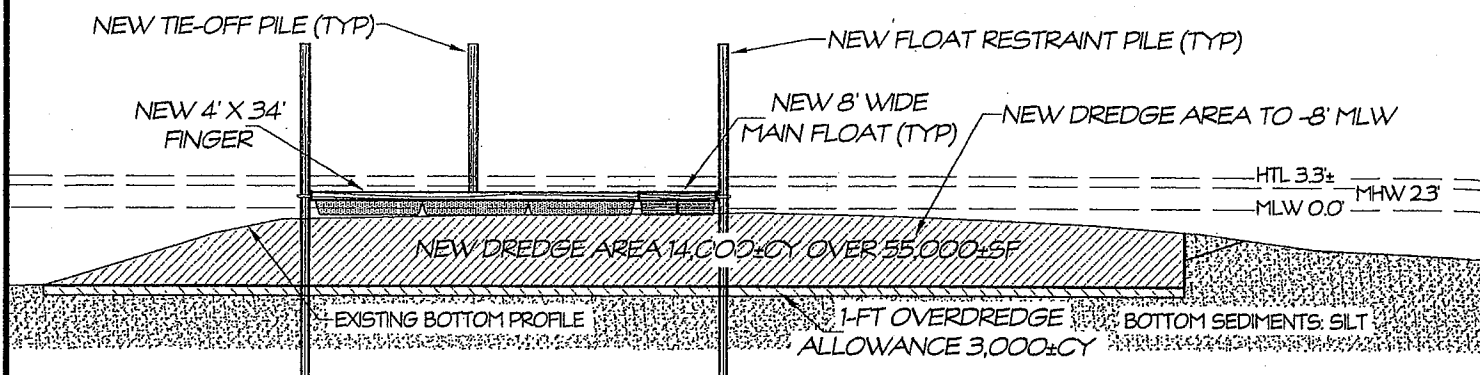
860 572 8939 FAX 860 572 7569

EMAIL: docko@snet.net

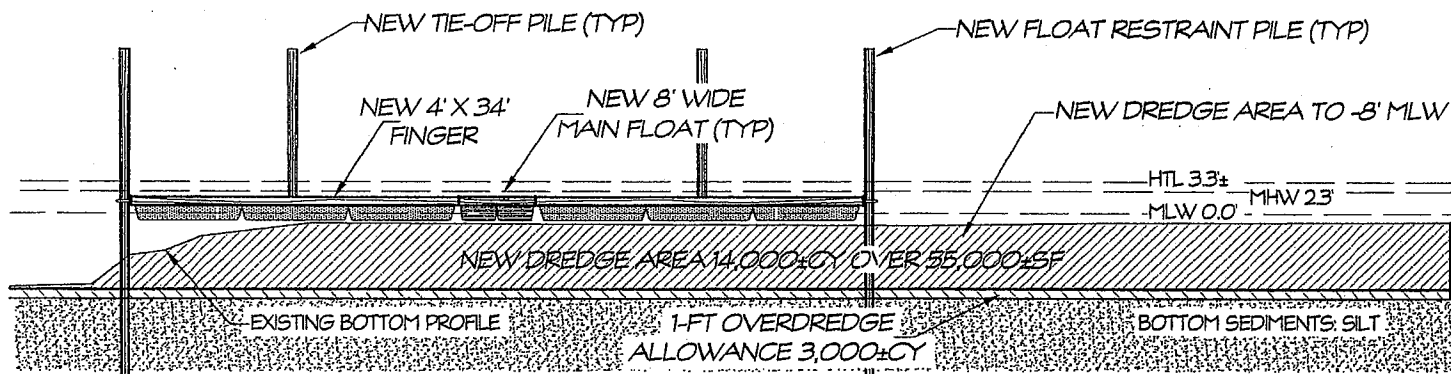
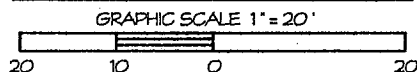


DWG 03-01-1390

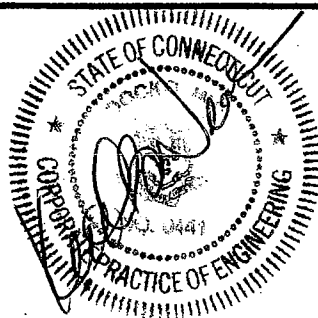
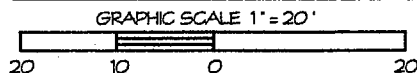




SECTION A-A



SECTION B-B



PROJECT: DOCKO EXPANSION and NEW DREDGING

LOCATION: MYSTIC, TOWN OF STONINGTON

MYSTIC, CONNECTICUT

WATERWAY: MYSTIC RIVER

DATE: FEBRUARY 28, 2008

APPLICANT: BREWERS YACHT YARD

AGENT: SHEET 4 OF 5

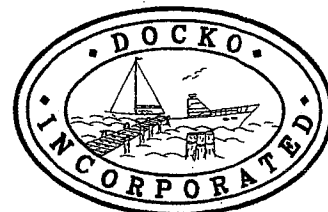
DOCKO, INC.

Keith B. Nelson, PE

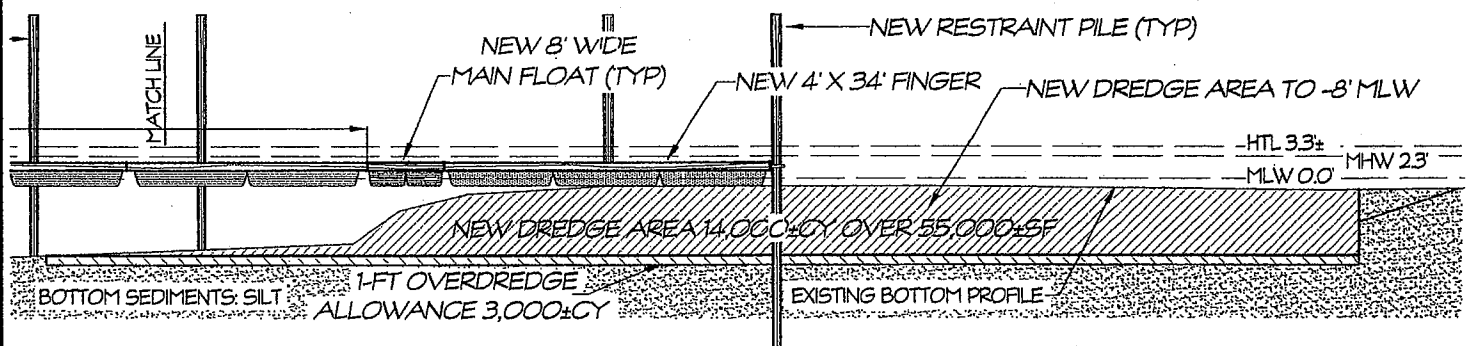
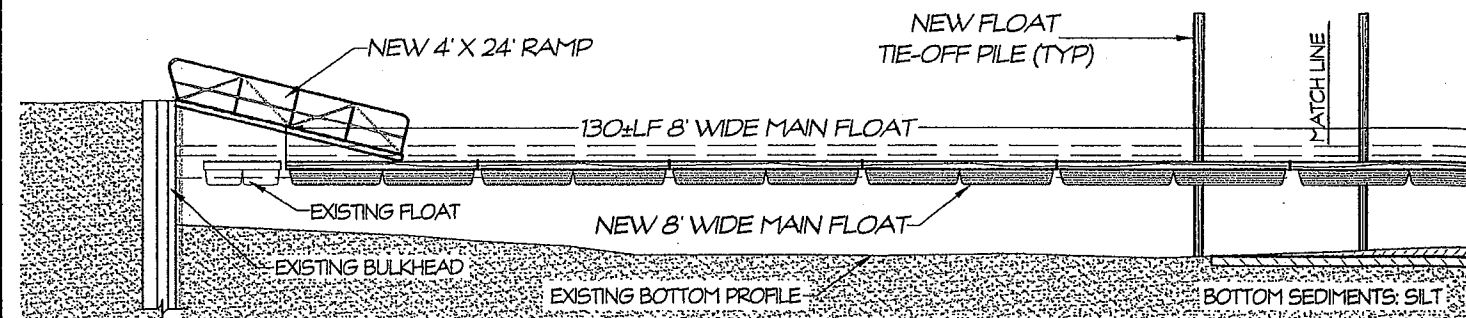
Mystic, CT 06355

860 572 8939 FAX 860 572 7569

EMAIL: docko@snet.net

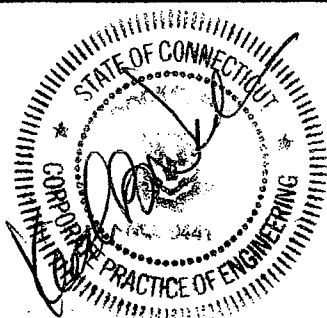
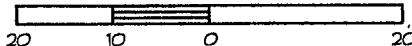


DWG 03-01-1390



SECTION C-C

GRAPHIC SCALE 1" = 20'



PROJECT: DOCK EXPANSION and NEW DREDGING

LOCATION: MYSTIC, TOWN OF STONINGTON

MYSTIC, CONNECTICUT

WATERWAY: MYSTIC RIVER

DATE: FEBRUARY 28, 2008

APPLICANT: BREWERS YACHT YARD

AGENT: SHEET 5 OF 5

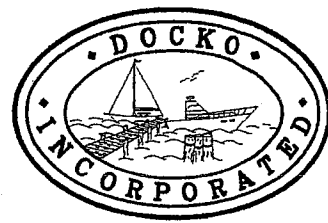
DOCKO, INC.

Keith B. Neilson, PE

Mystic, CT 06355

860 572 8939 FAX 860 572 7569

EMAIL: docko@snet.net



DWG 03-01-1390